

BEFORE THE WATER RESOURCES DEPARTMENT
FOR THE
STATE OF OREGON

In the Matter of the Completion of a Change) DETERMINATION OF SATISFACTORY
in Place of Use Under Transfer Application) PROOF OF COMPLETION FOR A
T-11710, Crook County) PERMANENT DISTRICT TRANSFER

Authority

Oregon Administrative Rule (OAR) 690-385-7400 describes the documentation the district must file with the Department in order to provide proof of use.

OAR 690-385-7600 provides in pertinent part that satisfactory proof shall be (a) a determination by the Department that application of water to beneficial use under the terms of the transfer final order was completed to the extent authorized, or (b) a determination by the Department that the application of water to a beneficial use under the terms of the transfer final order was completed to an extent less than authorized.

Oregon Revised Statute (ORS) 540.530(2)(a) and OAR 690-385-7600 authorize the Department to issue or modify a certificate of water right upon satisfactory proof of completion of the change or changes authorized by a final order approving a permanent district transfer.

Applicant

OCHOCO IRRIGATION DISTRICT
1001 NW DEER ST,
PRINEVILLE, OREGON 97754

Findings of Fact

1. On March 20, 2014, the Department signed a final order, which was mailed on April 3, 2014, and recorded in Special Order Volume 91, Pages 1012-1017, approving Transfer Application T-11710 involving Certificates 82246, 82247 and 82249. The final order established October 1, 2015, as the date for completion of the authorized changes in place of use.
2. On October 11, 2017, the Department received a Claim of Beneficial Use (CBU) and associated maps from the applicant for Transfer Application T-11710.

NOTICE OF RIGHT TO PETITION FOR RECONSIDERATION OR JUDICIAL REVIEW

This is an order in other than a contested case. This order is subject to judicial review under ORS 183.482. Any petition for judicial review must be filed within the 60-day time period specified by ORS 183.482. Pursuant to ORS 183.482, ORS 536.075 and OAR 137-003-0675, you may petition for judicial review and petition the Director for reconsideration of this order. A petition for reconsideration may be granted or denied by the Director, and if no action is taken within 60 days following the date the petition was filed, the petition shall be deemed denied.

3. On November 8, 2017, the Department notified the District of deficiencies in the CBU and maps.
4. On January 2, 2018, the Department received corrected and completed forms and maps, thereby satisfying the requirements for providing proof of use under OAR 690-385-7400.
5. The Department reviewed the CBU and maps submitted by the applicant for Transfer Application T-11710.
6. The CBU did not contain a map of the point of diversion from the source. However, since the transfer involved the transfer of places of use only within an irrigation district and did not involve a change in the point of diversion, the existing maps on file with the Department are sufficient to identify the point of diversion from the source.
7. The proposed place of use for Certificate 82246 as approved the final order for Transfer Application T-11710, and as recorded in Special Order Volume 91, Pages 1012-1017 is shown in Table 1, below:

Table 1:

PRIMARY IRRIGATION								
Twp	Rng	Mer	Sec	Q-Q	Acres	Tax Lot	Owner Name ³	Notice
14S	15E	WM	2	NW NE	0.4	104	Ridenour	4-13
14S	15E	WM	2	NW NE	0.4	104	Ridenour	5-13
14S	15E	WM	2	NW NE	0.1	104	Ridenour	6-13
14S	15E	WM	2	NW NE	0.5	104	Ridenour	7-13
14S	15E	WM	2	NW NE	1.7	104	Ridenour	8-13
14S	15E	WM	5	NE NW	0.2	200	Guthrie	15-13
14S	15E	WM	5	SE NW	0.5	200	Guthrie	15-13
14S	15E	WM	5	SE NW	0.1	200	Guthrie	16-13
14S	16E¹	WM	5	SW SE	3.6	100	Santucci	17-13
14S	15E²	WM	5	SE SE	5.7	400	McCabe	17-13
14S	16E	WM	8	NE SE	0.6	103	Santucci	17-13
14S	16E	WM	9	SW NW	0.8	900	Santucci	17-13
14S	16E	WM	9	NW SW	0.3	900	Santucci	17-13
14S	16E	WM	25	NW NE	0.5	102	Dunn	9-13
Total					15.4			

¹ This was incorrectly listed as 15 S in the Final Order recorded in Special Order Volume 91, Pages 1012-1017. The correct township for this parcel is 16 S.

² This was incorrectly listed as 16 S in the Final Order recorded in Special Order Volume 91, Pages 1012-1017. The correct township for this parcel is 15 S.

³ Water users listed in bold we listed incorrectly in the Final Order recorded in Special Order Volume 91, Pages 1012-1017.

8. The proposed place of use for Certificate 82247 as approved the final order for Transfer Application T-11710; and as recorded in Special Order Volume 91, Pages 1012-1017 is shown in Table 2, below:

Table 2:

PRIMARY IRRIGATION								
Twp	Rng	Mer	Sec	Q-Q	Acres	Tax lot	Water User	Notice #
14S	15E	WM	2	SW NE	2.0	107	Lee	18-13
14S	15E	WM	5	NE NW	0.4	200	Guthrie	11-13
14S	15E	WM	5	SE NW	0.4	200	Guthrie	13-13
14S	15E	WM	5	SE NW	0.5	200	Guthrie	12-13
14S	15E	WM	5	SE NW	0.3	200	Guthrie	14-13
14S	15E	WM	6	SE NE	1.4	200	Guthrie	11-13
14S	15E	WM	21	NW NW	5.0	101	Prineville Resident Inv.	1-13
15S	16E	WM	9	NE NW	0.4	1403	Kurtz	3-13
15S	16E	WM	9	SE NE	1.1	113	Breese Ranch P.U.D.	2-13
15S	16E	WM	9	SE NE	1.7	114	Breese Ranch P.U.D.	2-13
15S	16E	WM	9	SE NE	0.6	115	Breese Ranch P.U.D.	2-13
15S	16E	WM	9	SE NE	2.7	120	Breese Ranch P.U.D.	2-13
15S	16E	WM	9	SE NE	1.6	121	Breese Ranch P.U.D.	2-13
15S	16E	WM	9	SE NE	1.6	122	Breese Ranch P.U.D.	2-13
15S	16E	WM	9	SE NE	1.9	123	Breese Ranch P.U.D.	2-13
Total					21.6			
SUPPLEMENTAL IRRIGATION								
Twp	Rng	Mer	Sec	Q-Q	Acres	Tax lot	Water User	Notice #
14S	15E	WM	2	NW NE	0.4	104	Ridenour	4-13
14S	15E	WM	2	NW NE	0.4	104	Ridenour	5-13
14S	15E	WM	2	NW NE	0.1	104	Ridenour	6-13
14S	15E	WM	2	NW NE	0.5	104	Ridenour	7-13
14S	15E	WM	2	NW NE	1.7	104	Ridenour	8-13
14S	15E	WM	5	NE NW	0.2	200	Guthrie	15-13
14S	15E	WM	5	SE NW	0.5	200	Guthrie	15-13
14S	15E	WM	5	SE NW	0.1	200	Guthrie	16-13
14S	15E	WM	5	SE SE	5.7	400	McCabe	10-13
14S	16E	WM	5	SW SE	3.6	100	Santucci	17-13
14S	16E	WM	8	NE SE	0.6	103	Santucci	17-13
14S	16E	WM	9	SW NW	0.8	900	Santucci	17-13
14S	16E	WM	9	NW SW	0.3	900	Santucci	17-13
Total					14.9			

9. The proposed place of use for Certificate 82249 as approved the final order for Transfer Application T-11710, and as recorded in Special Order Volume 91, Pages 1012-1017 is shown in Table 3, below:

Table 3:

SUPPLEMENTAL IRRIGATION										
POD#	Priority Date	Twp	Rng	Mer	Sec	Q-Q	Acres	Tax lot	Water User	Notice #
1 & 100	1906	14S	15E	WM	2	NW NE	1.7	104	Ridenour	8-13
1	1873	14S	15E	WM	5	SE SE	2.3	400	McCabe	10-13
Total							4.0			

10. Based on the review of evidence submitted by the applicant, the Department finds that the application of water to beneficial use under the terms of the transfer final order for T-11710 was completed to the extent authorized in the transfer as described in Tables 1, 2 and 3.

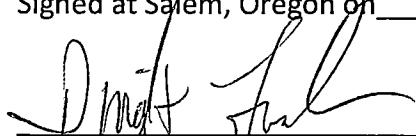
Conclusions of Law

1. The Applicant has submitted proof of use pursuant to OAR 690-385-7400.
2. Application of water to a beneficial use under the terms of the transfer final order has been made to the extent shown in Tables 1, 2, and 3, above.
3. The applicant has demonstrated proof of completion under T-11710 to the satisfaction of the Department.
4. The Department is authorized to issue or modify certificates of water rights involved in transfer T-11710 consistent with this determination of satisfactory proof of completion.

Now, therefore, it is ORDERED:

Water right Certificates 82246, 82247, and 82249 are modified as shown in Tables 1, 2 and 3, above. The Department will issue superseding certificates describing these rights when it determines it is necessary for record keeping.

Signed at Salem, Oregon on JAN 29 2019



Dwight French, Water Right Services Administrator for
THOMAS M. BYLER, DIRECTOR
Oregon Department of Water Resources

Mailing date: JAN 30 2019